

ORDINANCE No. 1841 91

Assess benefited properties for street and bridge improvements in the NE 92nd Drive Local Improvement District (Hearing; Ordinance; C-10020)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 92nd Drive Local Improvement District by the passage of Resolution No. 36476 on January 31, 2007.
2. The Council approved formation of the NE 92nd Drive Local Improvement District by the passage of Ordinance No. 181176 on July 25, 2007. The assessment formula is on a trip volume basis. Abutting linear footage was not used because abutment does not accurately reflect special benefit to property; e.g., nonabutting properties have potential usage of the new street and bridge connection. Size of lot was a factor in the derivation of trip volume, however square footage was not used as an assessment methodology because it does not allow for different ratios of potential building sizes to the size of the underlying lot, nor does it take into account the effect of proximity on trip volume for a particular lot. The trip rate was split at LID formation, with nondeveloped properties as of January 1, 2007 having an assessable trip rate of 115% of the base trip rate, and with developed properties as of January 1, 2007 having an assessable trip rate of 89.6358% of the base trip rate. The original apportionment of trips was based on a March 23, 2005 trip volume analysis (see Exhibit G of Ordinance No. 181176). Trip volumes for individual properties have since been segregated on a square footage basis when necessary due to the replatting of taxlots.
3. The assessment worksheet is as shown in Exhibit A. The trip rate remains split at LID final assessment, with non-developed properties as of January 1, 2007 having an assessable trip rate of 115% of the base trip rate, and with developed properties as of January 1, 2007 having an assessable trip rate of 88.1064% of the base trip rate (instead of 89.6358%) to avoid mathematical rounding errors with the final assessment.
4. The record related to the adoption of Resolution No. 36476 and of Ordinance No. 181176 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36476 nor of Ordinance No. 181176 shall be considered an objection to final assessment for purposes of Section 17.08.130 of City Code, nor for purposes of Section 9-405 of the City Charter.
5. The Council awarded the construction contract to Tri-State Construction with the acceptance of the Purchasing Report for Bid No. 110861 on August 12, 2009. The City entered into Contract No. 30000806 on August 28, 2009. This contract was modified by Council on January 6, 2010 with the passage of Ordinance No. 183443 to add fabrication and erection of pedestrian/bicycle bridge to this existing contract in lieu of entering into a separate contract solicitation.

6. The 511 centerline feet of street improvements and 163 centerline feet of bridge improvements were substantially completed on June 17, 2010 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted.
7. The Local Improvement District Administrator's level of cost estimates for this project is "High" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 because the project is complete.
8. Completion of this local improvement core work fulfills all NE 92nd Drive abutting frontage improvement requirements from the Columbia Slough to NE Alderwood Road for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit. However, completion of this project does not fulfill any similar such abutting frontage improvement requirements for NE 92nd Drive from the Columbia Slough to NE Columbia Blvd., which was not within the scope of this local improvement district.
9. Completion of this local improvement extra work fulfills all NE Columbia Blvd. abutting frontage improvement requirements on the north side of the street from NE 87th Avenue to the west property line of 9111 NE Columbia Blvd. for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit. However, completion of this project does not fulfill any similar such abutting frontage improvement requirements for the north side of NE Columbia Blvd. from the west property line of 9111 NE Columbia Blvd. to NE 92nd Drive, which was not within the scope of this local improvement district.
10. The total cost of the project is \$2,314,889.14 as shown in Exhibit C. The property owners' share for this project is \$1,964,601.37. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$350,287.77 for absorption of overhead costs on NE 92nd Drive improvements.
11. The City Auditor mailed notice of the October 20, 2010 final assessment hearing to owners of benefited properties within the local improvement district on September 15, 2010. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this ordinance. Each property owner was notified of the time and location of the final assessment hearing conducted by the Council; the total project costs, the deadline and procedure for filing objections to the final assessment of the local improvement district; and the amount of the proposed final assessment on benefited properties as set forth in Exhibit D (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on October 13, 2010.

12. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and D.
13. The Local Improvement District Administrator submitted for publication two notices of the local improvement district final assessment hearing in the Daily Journal of Commerce on October 5, 2010 and on October 6, 2010.
14. The Council has considered any and all objections made by owners of benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit E and adopts these findings as its own.
15. This Ordinance provides for assessment of benefited properties for local improvements. Assessments for local improvements are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
16. In the event of any finding or any directive within this Ordinance conflicting with any prior Council action involving this local improvement district, the finding or directive within this Ordinance shall prevail.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit D of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit D in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit D.
- d. The City Auditor to segregate assessments in the future on a square footage basis as necessary due to the replatting of tax lots.

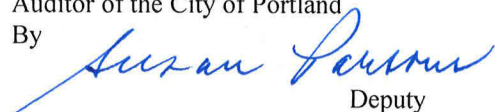
Passed by the Council, OCT 27 2010

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: October 12, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By


Deputy

1370

1407

Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>OCT 15 2010</u> LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	ACTION TAKEN: OCT 20 2010 PASSED TO SECOND READING OCT 27 2010 9:30 A.M.
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i> Prepared by: Andrew Aebi:slg <i>AAH</i> Date Prepared: October 12, 2010 <i>10/13</i>	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date October 20, 2010	
City Attorney Approval	

AGENDA <i>2 of 2</i>
TIME CERTAIN <input type="checkbox"/> Start time: <i>8:30 AM</i>
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>20 min</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	